

Atty. Dkt. No. 99CR125/KE

REMARKS

Applicants respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

No claims are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-3, 6-7, 9, and 14-15 remain pending in this application.

In paragraph 8 of the Office Action, Claims 1-3, 7, 9 and 14-15 stand finally rejected under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent No. 5,187,788 (Marmelstein). In paragraph 9 of the Office Action, Claim 9 stands finally rejected under 35 U.S.C. Section 103 as being unpatentable over Marmelstein in view of U.S. Patent No. 5,541,863 (Magor). In paragraph 12 of the Office Action, the Examiner states:

The Marmelstein patent discloses:

... a state including a plurality of parallel states ... ("at the next block, 1950, the initial state of operation is then selected (order equals one; level equals one). The level of the state designates the level of nesting within the sub-program at which the state occurs. The order of the state designates the order within a given level of nesting at which the state occurs. A recursive routine represented as block 2000 (slide 6 at figure 20) is then called via block 2001 in order to assign an order/level to each state with the apex operations object"....)

In paragraphs 13 and 14 of the Office Action, the Examiner states:

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Magor teaches that the avionic software is a graphical flight planner....

Applicants respectfully traverse the rejections.

In paragraph 15 of the Office Action, the Examiner responds to the applicant's argument. The Examiner states:

The Examiner strongly disagrees with applicant's assertion. Marmelstein teaches providing a graphical representation of a state including a plurality of parallel states, the parallel states being ordered with respect to each other, and the parallel states being ordered so that only one of the parallel states is active in response to a particular event.

Applicants respectfully traverse the Examiner's response.

As discussed in the response to the previous Office Action, Marmelstein does not disclose parallel states. Parallel states are described in the present application as follows:

Superstate 51 includes a parallel state 52 in a parallel state 54.

...

Dashed line 70 indicates that super state 51 is parallel superstate including two parallel states 52 and 54.

See present application, page 8, lines 4-28. A parallel state is distinguishable from an ordinary state in that a state machine can be active in two parallel states at once. The specification states:

Superstate 51 including parallel states 52 and 54 has all of its parallel states 52 and 54 active when superstate 51 is active.

Present application, page 8, lines 20-21. "AND decomposition 48 is used to define parallel states . . . Whenever the parent state . . . is active, all of its substates are active." See present application, page 11, lines 13-20. A parallel state is not simply a substate.

Clearly, Marmelstein and Magor fail to disclose such parallel states. Marmelstein does not describe the ability to be in two states at once. Although states are given orders and levels,

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there is no description in Marmelstein which indicates that a parallel state exists, a state within which a state machine can exist simultaneously with another state. In fact, the nested loop and level architecture more likely indicates that simultaneous states are not possible.

The Examiner cited column 13, lines 36-45, column 14, lines 17-68, and column 15, line 1-4 and Fig. 6, item 60, for the proposition that Marmelstein discloses parallel states. However, nowhere in any of these sections is a parallel state mentioned. Further, simultaneous presence of a machine in two parallel states is not mentioned or suggested. Indeed, the nested loop levels and orders given in these citations indicate that the states are probably more akin to substates rather than parallel states. In fact, the statement in Marmelstein that "each transition joints [sic, joins] two states" indicates that there is only one incoming and one outgoing state for each state. This quote shows that simultaneous existence by the state machine in the two states is not contemplated. It is respectfully submitted that Magor fails from a similar deficiency. Accordingly, reconsideration and withdrawal of the rejections of Claim 1 and its dependent Claims 1-3 and 6, independent Claim 7 and its dependent Claim 9 and independent Claim 14 and its dependent Claims 15 under 35 U.S.C. Section 102(b) and 103 is respectfully requested.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 18-1722. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 18-1722. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 18-1722.

Respectfully submitted,

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